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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,394	07/03/2003	John Melideo	J000-P0363US	5950

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SoCAL IP LAW GROUP LLP  
310 N. WESTLAKE BLVD. STE 120  
WESTLAKE VILLAGE, CA 91362

EXAMINER

BAUTISTA, XIOMARA L

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,394

Applicant(s)

JOHN MELIDEO

Examiner

X L Bautista

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/3/05 & 5/18/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

I. Applicant's arguments with respect to claims I-33 have been considered but are moot in view of the new ground(s) of rejection.

### *Double Patenting*

2. Claims I-33 of this application conflict with claim I-27 of Application No. 10/840,889. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

3. Claims I-33 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims I-27 of copending Application No. 10/840,889. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims I-6, 9-19, 22-30 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by *Giordano, III* (US 6,870,828 BI).

Claims I, 12 and 23:

Giordano discloses a method of scanning data units (web documents), recognizing, displaying, and accessing telephone numbers appearing on the data unit (web page). The method has a parsing algorithm that recognizes telephone numbers (scanning and automatically identifying the telephone numbers), and coding that is added to iconify (defined such that the telephone numbers are activatable) the telephone numbers, the icons being selectable by a user to place a call (embedding objects to allow initiation of telephone calls). Giordano teaches that the telephone numbers are conspicuously rendered by including a button surrounding the number (attachments between displayed telephone numbers and telephone call initiation), font appearance, underlining, or highlighting (col. 2, lines 8-28; col. 3, lines 4-15, 37-49, 57-65; col. 4, lines 20-27). Giordano teaches user input means, display screen, processor and memory (col. I, lines 15-29, 50-58; col. 4, lines 53-67). Giordano teaches a computer usable medium having computer readable program code (col. 3, lines 50-56; col. 4, lines 47-49).

Claims 2, I3 and 24:

Giordano explains that programming instructions are implemented for displaying data units (col. 7, lines 25-46).

Claims 3, I4 and 25:

Giordano teaches that the data unit (web page) is part of a file (col. 3, lines 25-32) and that only portions of the file may be displayed (col. 3, lines 33-43).

Claims 4, I5 and 26:

Giordano teaches that the data units may include text, hyphens, parenthesis, spaces, etc. (col. 3, lines 64-67), and non-displayable data such as data associated with the telephone number (stored corresponding name or address) and the code, link or associated data that enables initiation of a call (col. 2, lines 7-45).

Claims 5, I6 and 27:

See claim I. Giordano teaches detecting activation of a displayed number by the user and initiating a telephone call between the user's phone and a second telephone associated with the displayed telephone number (col. 4, lines 20-27).

Claims 4, I3 and 22:

See claim I. Giordano teaches a software program that scans the Web document, reads the text of every character, and automatically identifies embedding objects in the document and enables initiation of telephone calls (col. I, lines 65-67; col. 2, lines I-2, 8-28; col. 4, lines I-27).

Claims 6-8, I7-I9 and 28-30:

Giordano teaches conspicuously rendering is achieved according to a display attribute associated

with the telephone number such as a button surrounding the number, font appearance, underlining, or highlighting (col. 2, lines 25-28; col. 3, lines 44-49).

Claims 11, 22 and 33:

See claim 1. Giordano teaches embedding the objects (telephone numbers) in the data units (web page), the objects including hooks (icon, link) for allowing initiation of telephone calls (col. 2, lines 22-28, 31-46; col. 4, lines 20-27).

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7, 8, 20, 21, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Giordano and Yach et al* (US 2002/0128036).

Claims 7, 20 and 31:

Giordano teaches highlighting and selection of telephone numbers but does not teach highlighting on mouse roll-over. However, Yach discloses a method that enables users to highlight and select a phone number by rolling over it (p. 9, pg. 0081). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Giordano's method of rendering and dialing telephone numbers to include Yach's teaching of highlighting on mouse roll-over because it facilitates selection and dialing and provides enhancement for quick identification of telephone numbers just by

moving the mouse cursor over the numbers without having to click on them for highlighting.

Claims 8, 21 and 32:

See claim 7. Giordano teaches selection of telephone numbers by right clicking on them and Yach teaches a right-click menu for enabling a user to select a telephone number and place a telephone call (fig. 2b; p. 6, pg. 0054, 0056).

*Conclusion*

8. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach creation of hypertext links for objects found in a document or web page (Miller: abstract; p. 2, pg. 0029, 0031, 0044); web page generation and connection of telephone calls between a visitor and a web page owner through selection of a hyperlink (Razdow: abstract; p. 2, pg. 0025, 0030; p. 3, pg. 039, 0041; p. 4, pg. 0050, 0053); email managing system for detecting telephone numbers and enabling initiation of telephone calls (Tomikawa: abstract; p. 2, pg. 0016, 0022, 0023, p. 3, pg. 0029; p. 4, pg. 0050; p. 7, pg. 0117; p. 8, pg. 0124; p. 11, pg. 0180; p. 12, pg. 0194, 0200-0203; p. 14, pg. 0226; p. 16, pg. 0258); a system that enables users to forward calls (Gibson: abstract; p. 4, pg. 0092, 0094, 0098; p. 10, pg. 0147); a telephone device having automatic dialer of phone numbers (Slotznick: abstract; p. 1, pg. 0013, 0014; p. 2, pg. 0017; p. 3, pg. 0035; p. 4, pg. 0070; p. 10, pg. 0155); a system for connecting telephone calls by examining triggers such as emails and cell phone calls (Tang: abstract; p. 1, pg. 0011, 0014; p. 7, pg. 7, claims 7-10, 15 and 19); a method for providing transactional data over a network that enables users to click on a hyperlink to send an email

message, dial a phone number, etc. (Raffel: abstract; p. I, pg. 0009; p. II, pg. 0I23).

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR I.I36(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR I.I36(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

IO. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (57I) 272-4I32. The examiner can normally be reached on Monday-Thursday 8:00AM-6:00PM.

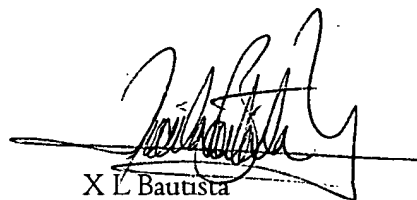
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (57I) 272-4I36. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

II. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available



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through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'X L Bautista', is written over a horizontal line.

X L Bautista  
Primary Examiner  
Art Unit 2179

xlb

June 15, 2005